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20 United States of America

21 UNITED STATES DISTRICT COURT

22 FOR THE CENTRAL DISTRICT OF CALIFORNIA

23 WESTERN DIVISION

24 UNITED STATES OF AMERICA, ) NO. CV 13-7437 R (PLAx)  
25 Plaintiff, )  
26 v. )  
27 \$628,847.00 IN U.S. CURRENCY, ) **CONSENT JUDGMENT OF FORFEITURE**  
28 Defendant. )  
\_\_\_\_\_  
BINYUE XIAO, )  
\_\_\_\_\_  
Claimant. )  
\_\_\_\_\_

29 This action was filed on October 8, 2013 against the  
30 defendant \$628,847.00 in U.S. currency ("defendant currency").

1 Binyue Xiao ("Xiao") claims an interest in the defendant  
2 currency. No other parties other than Xiao have appeared in  
3 this case and the time for filing statements of interest and  
4 answers has expired. Plaintiff United States of America and  
5 Xiao have reached an agreement that is dispositive of the  
6 action. The parties hereby request that the Court enter this  
7 Consent Judgment of Forfeiture.

8           **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

9       1. This Court has jurisdiction over the parties and the  
10 subject matter of this action.

11     2. Notice of this action has been given in accordance  
12 with law. All potential claimants to the defendant currency  
13 other than Xiao are deemed to have admitted the allegations of  
14 the Complaint. The allegations set out in the Complaint are  
15 sufficient to establish a basis for forfeiture.

16     3. The United States of America shall have judgment as to  
17 \$554,400.00 of the defendant currency and all interest earned of  
18 the entirety of the defendant currency since seizure, and no  
19 other person or entity shall have any right, title or interest  
20 therein. The United States Customs and Border Protection,  
21 Department of Homeland Security is ordered to dispose of said  
22 funds in accordance with law.

23     4. \$74,447.00 of the defendant currency, without  
24 interest, shall be returned to Xiao by either check or wire  
25 transfer in two separate transactions: one in the amount of  
26 \$65,513.36; and the second in the amount of \$8,933.64. If the  
27 United States elects to make the payments by check, the check in  
28 the amount of \$65,513.36 will be payable to "Binyue Xiao and Law

1 Offices of Thomas P. Sleisenger," and mailed to attorney Thomas  
2 P. Sleisenger, Esq. at the Law Offices of Thomas P. Sleisenger,  
3 1901 Avenue of the Stars, Suite 615, Los Angeles, California  
4 90067. The second check in the amount of \$8,933.64 will be  
5 payable to "Law Offices of Thomas P. Sleisenger," and mailed to  
6 attorney Thomas P. Sleisenger, Esq. at the Law Offices of Thomas  
7 P. Sleisenger, 1901 Avenue of the Stars, Suite 615, Los Angeles,  
8 California 90067. If the United States elects to make the  
9 payment by wire transfer, the funds will be wire transferred in  
10 two separate transactions: one in the amount of \$65,513.36; and  
11 the second in the amount of \$8,933.64, to the Law Offices of  
12 Thomas P. Sleisenger Client Trust Account. Xiao and his  
13 attorneys shall provide any and all information needed to  
14 process the return of these funds according to federal law.

15 5. Xiao has agreed to release the United States of  
16 America, its agencies, agents, and officers, including  
17 employees, officers and agents of the United States Customs and  
18 Border Protection, Homeland Security Investigations and Anaheim  
19 Police Department from any and all claims, actions or  
20 liabilities arising out of or related to this action, including,  
21 without limitation, any claim for attorney's fees, costs or  
22 interest which may be asserted on behalf of Xiao, whether  
23 pursuant to 28 U.S.C. § 2465 or otherwise.

24 6. The court finds that there was reasonable cause for  
25 the seizure of the defendant currency and institution of these  
26 ///  
27 ///  
28 ///

1 proceedings. This judgment shall be construed as a certificate  
2 of reasonable cause pursuant to 28 U.S.C. § 2465.

3  
4  
5 

6 Dated: June 26, 2014

7  
8 THE HONORABLE MANUEL L. REAL  
9 UNITED STATES DISTRICT JUDGE

10 **Approved as to form and content:**

11 DATED: June 25, 2014 ANDRÉ BIROTTÉ JR.  
12 United States Attorney  
13 ROBERT E. DUGDALE  
14 Assistant United States Attorney  
15 Chief, Criminal Division  
16 STEVEN R. WELK  
17 Assistant United States Attorney  
18 Chief, Asset Forfeiture Section

19 /S/  
20 KATHARINE SCHONBACHLER  
21 Assistant United States Attorney  
22 Attorneys for Plaintiff  
23 United States of America

24 DATED: June 25, 2014 LAW OFFICES OF THOMAS P. SLEISENGER

25 /S/  
26 THOMAS P. SLEISENGER  
27 Attorneys for Claimant BINYUE XIAO

28 DATED: June 25, 2014 HIRAM W. KWAN, APLC

29 /S/  
30 HIRAM W. KWAN  
31 CYRUS LAM  
32 Attorneys for Claimant BINYUE XIAO

33 DATED: June 25, 2014

34 /S/  
35 Claimant BINYUE XIAO